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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,749	01/27/2004	Amihay Freeman	85189-8300	7936

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EXAMINER	
MENDEZ, MANUEL A	

ART UNIT	PAPER NUMBER
3763	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/768,749	FREEMAN, AMIHAY	
	Examiner	Art Unit	
	Manuel Mendez	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09/19/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *85-128* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *85-108,114,117-120 and 126-128* is/are rejected.

7)☒ Claim(s) *109-113,115,116 and 121-125* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 110 is objected to because of the following informalities: The claim is missing a period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 85, 86, 87, 88 and 91 are rejected under 35 U.S.C. 102(b) as being anticipated by **Parsons**.

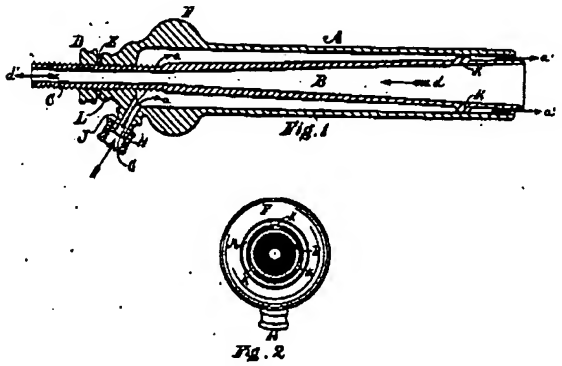


Fig. 1

Fig. 2

In figures 1 and 2, Parsons show an applicator having a housing having a tissue-facing opening, at least one inlet and one outlet, the at least one inlet and the at least one outlet provide a passageway for streaming a solution therethough and over the tissue portion defined by the tissue-facing opening, wherein an opening of at least one of the at least one inlet and at least one outlet through which the solution streams is height adjustable with respect to the tissue-facing opening.

In relation to **claim 86**, figures 1 shows a screw mechanism (C); in relation to **claim 87**, figure 1 shows a tube structure; in relation to **claim 88**, figure 1 shows an outlet (B) positioned within the inlet (A); and finally, in relation to **claim 91**, figure 1, shows an outlet (B) that is height adjustable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 89, 90, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 103, 105, 106, 107, 108, and 114 rejected under 35 U.S.C. 103(a) as being unpatentable over **Parsons in view of [Peterson, et al., or Norton, et al.] and in further view of Gibbons or Ignon, et al.**

The Parsons patent does not expressly disclose the infusion of protease solution(s), the use of a first reservoir, a pump to infuse the fluids in the reservoir, the use of gravitation as a pump, the use of a thermo regulator, the use of a mixer, the use of filter or cell collector, the use of engaging means, and the use of a receptacle connected to the applicator. However, the use of these enhancements in an infusion system is conventional in the art as evidenced by the teachings of **Peterson, et al., Norton, et al., Gibbons or Ignon, et al.**

In relation to the infusion of protease solutions, claims 89, 90, 92, 93, 105, 106, 107, 108, 114, the Peterson, et al., and Norton, et al., patents clearly demonstrate the conventionality of using protease solutions to treat skin. Accordingly, for a person of ordinary skill in the art, modifying the apparatuses disclosed by Parsons, Gibbons or Ignon, et al., with the capability of infusing the fluidic solutions disclosed in the claims in question, would have been considered obvious in view of the conventionality of these protease solutions to treat skin.

In relation to the claimed infusion equipment, and in particular, the use of a pump, gravitation, a thermo regulator, a mixer, a filter or collector, engaging means, and a receptacle operatively connected to the applicator, claims 94, 95, 96, 97, 98, 99, 100, 102, and 103, the Gibbons and Ignon, et al., patents demonstrate the conventionality of

these enhancements. Accordingly, modifying the apparatus disclosed by Parsons with well-known infusion equipment, as taught by Gibbons and Ignon, et al., would have been considered obvious in view of the conventionality of these enhancements.

Claims 101 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Parsons in view of [Peterson, et al., or Norton, et al.] and in further view of Gibbons or Ignon, et al., and in further view of Clague, et al., or Vaughn.**

The base patents in the above rejection do not disclose the use of an in-line centrifuge system and the use of reservoirs made of plastic. However, these enhancements for an infusion system are conventional in the art as evidenced by the teachings of Clague, et al., and Vaughn.

Clague, et al., shows in figure 2, the use of an in-line centrifuge (46) to filter debris from fluids. Furthermore, concerning the use of plastics to manufacture reservoirs such as IV bags, the Vaughn patent demonstrates in column 6, line 52, the conventionality of using plastics to manufacture reservoirs such as IV bags.

Based on the above observations, for a person of ordinary skill in the art, modifying the filtering capabilities of the Gibbons or Ignon, et al., patents with an in-line centrifuge, as taught by Clague, et al., would have been considered obvious in view of the proven conventionality of this enhancement. Likewise, for a person of ordinary skill in the art, modifying the reservoirs disclosed by Gibbons or Ignon, et al., with reservoirs made of plastic, as taught by Vaughn, would have been considered obvious in view of the proven conventionality of these well-known enhancements.

Method Claims 117-128

Claims 117-120 and 126-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Parsons in view of [Peterson, et al., or Norton, et al.] and in further view of Gibbons or Ignon, et al., and in further view of Clague, et al., or Vaughn.**

The Parsons patent does not expressly disclose the infusion of protease solution(s), collecting the streaming solution, the use of filtration, and the use of centrifugation. As discussed in the analysis of the apparatus claims, the infusion of protease solution(s), the use of filtration and centrifugation in combination with infusion systems is conventional in the art as evidenced by the teachings of Peterson, et al., or Norton, et al., Gibbons or Ignon, et al., or Clague, et al.

Based on the teachings of Peterson, et al., Norton, et al., Gibbons, Ignon, et al., or Clague, et al., modifying the infusion systems of Parsons, Gibbons, or Ignon, et al., with the infusion of protease solution(s), the collection of streaming solution, and the use of filtration and centrifugation would have been considered obvious in view of the proven conventionality of these enhancements.

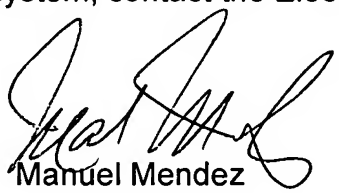
Allowable Subject Matter

Claims 109, 110, 111, 112, 113, 115, 116, 121-125 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 703-272-4977. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Manuel Mendez
Primary Examiner
Art Unit 3763